

allows, because the Supreme Court said it cannot prohibit it, an abortion after viability if the mother's life and health are at stake. So thus far, we have the law allowing an abortion after viability provided the woman's life and health are at stake and it is performed by a licensed physician according to the principles of medicine. Now section 45 says that if all of these conditions are met but the fetus dies, the doctor is guilty of a felony. That is unconstitutional. But you can leave it in if you want to. There are other provisions that Senator DeCamp stood here and told you with just as much authority, just as much pomposity and bombast that this is constitutional, this is the way it must be. It cannot be any other way. My principles will not allow me to go any other way. So what did he do? He went another way. Think for yourselves, and if your conclusions draw you to where he is, follow him out of the wilderness into the swamp. If your conclusion is based upon what the law says, then you will adopt this amendment because section 45 does not deal with an aborted fetus outside the mother. The only word that refers to the fetus in section 45 as it stands...

PRESIDENT: One minute, Senator.

SENATOR CHAMBERS: ...is unborn, unborn. Section 45 does not put a requirement on a doctor to maintain the life of a fetus if it is aborted alive after viability. Section 45 as amended will because it clearly says, "any child aborted alive with any chance of survival." That life cannot be terminated. So think a long time but vote no, if you choose, but I think it is a mistake.

PRESIDENT: Senator Chambers was closing. The question is the adoption of the so-called amendment #6 by Senator Chambers. Record your vote. Have you voted? Record.

CLERK: 14 ayes, 17 nays.

PRESIDENT: The amendment fails. Amendment #7.

CLERK: Well, we really haven't acted on four and five but Senator Chambers said those applied later in the bill. Mr. President, the problem that we have in these amendments is that they don't always apply to the same section and the same amendments we are getting apply to several sections. The next two amendments that are up are Senator Chambers but they apply to page 30 and 31. I have one from Senator DeCamp on page 22.

PRESIDENT: All right. Let's try that one. That is not the abortion issue though, is it? I think the entire membership would appreciate it if we have all amendments relative to this section dealing with abortion up now and you have one from Senator Fowler. Again, Senator Chambers, that is just a suggestion for orderly discussion rather than any coordinating.

CLERK: Now, Mr. President, I now have a motion to amend offered by Senator Fowler. Strike original section 45, and insert a new section 45 as follows: Read. (See page 824, Journal.)